

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 115

## **HOUSE BILL 2566**

AN ACT

AMENDING SECTION 15-534, ARIZONA REVISED STATUTES; RELATING TO SCHOOL  
PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-534, Arizona Revised Statutes, is amended to  
3 read:

4 15-534. Fingerprinting; review and disciplinary action;  
5 violation; classification

6 A. A person who applies for a certificate as prescribed in section  
7 15-203 shall have a valid fingerprint clearance card that is issued pursuant  
8 to title 41, chapter 12, article 3.1. Applicants who possess a certificate  
9 pursuant to section 15-203 and who apply for additional certificates or who  
10 apply for renewal of any certificate shall meet one of the following  
11 requirements:

12 1. Have a valid fingerprint clearance card issued pursuant to title  
13 41, chapter 12, article 3.1.

14 2. Provide proof of the submission of an application for a fingerprint  
15 clearance card. Applicants who have been denied a fingerprint clearance card  
16 shall also provide proof that the applicant qualifies for a good cause  
17 exception hearing pursuant to section 41-619.55.

18 B. A person who is certified pursuant to section 15-203 shall maintain  
19 a valid fingerprint clearance card during the valid period of the person's  
20 certificate or certificates.

21 C. The state board of education may review and determine whether to  
22 renew or not issue a certificate to an applicant for certification on a  
23 finding that the applicant engaged in conduct that is immoral or  
24 unprofessional or engaged in conduct that would warrant disciplinary action  
25 if the person had been certified at the time that the alleged conduct  
26 occurred. The board shall prescribe guidelines for this process.

27 D. The state board of education may take disciplinary action against  
28 or not renew the certificate of a person on a finding that the certificated  
29 person engaged in conduct that is immoral or unprofessional or engaged in  
30 conduct that would warrant disciplinary action if the person had been  
31 certified at the time that the alleged conduct occurred. The board shall  
32 prescribe guidelines for this process.

33 E. The department of education may issue conditional certification  
34 before an applicant has obtained a valid fingerprint clearance card. A  
35 conditional certificate may be used only for employment in the school  
36 district that submits an application to the department of education for  
37 conditional certification pursuant to this subsection. The state board of  
38 education may revoke conditional certification if the information on the  
39 application for a conditional certificate is false or incomplete, the  
40 applicant is denied a fingerprint clearance card or the conditional  
41 certificate is used for employment in a school district other than the school  
42 district that is indicated on the application for conditional certification.  
43 In addition to any other conditions or requirements deemed necessary by the  
44 superintendent of public instruction to protect the health and safety of  
45 pupils, conditional certification shall be issued before the applicant

1 obtains a fingerprint clearance card if all of the following conditions are  
2 met:

3 1. The school district that is seeking to hire the applicant verifies  
4 in writing on a form developed by the department of education the necessity  
5 for hiring and placement of the applicant before a fingerprint check is  
6 completed.

7 2. The school district that is seeking to hire the applicant performs  
8 all of the following:

9 (a) Ensures that the department of public safety completes a statewide  
10 criminal records check on the applicant. A statewide criminal records check  
11 shall be completed by the department of public safety every one hundred  
12 twenty days until the date that the fingerprint check is completed.

13 (b) Completes a search of criminal records in all local jurisdictions  
14 outside of this state in which the applicant has lived in the previous five  
15 years.

16 (c) Obtains references from the applicant's current employer and two  
17 most recent previous employers except for applicants who have been employed  
18 for at least five years by the applicant's most recent employer.

19 (d) Provides general supervision of the applicant until the applicant  
20 receives permanent certification from the department of education.

21 F. Before employment, schools or school districts shall verify the  
22 certification and fingerprint status of applicants who apply for school or  
23 school district positions that require certification.

24 G. ANY PERSON WHO PARTICIPATES IN A TEACHER PREPARATION PROGRAM THAT  
25 IS APPROVED BY THE STATE BOARD OR ANY PERSON WHO IS CONTRACTED BY THIS STATE,  
26 BY A SCHOOL DISTRICT OR BY A CHARTER SCHOOL TO PROVIDE TUTORING SERVICES  
27 SHALL OBTAIN A FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION BEFORE THE  
28 PERSON PARTICIPATES IN FIELD EXPERIENCE IN WHICH SERVICES WILL BE PROVIDED  
29 DIRECTLY TO PUPILS.

30 ~~G.~~ H. The state board of education shall notify the department of  
31 public safety if the state board of education receives credible evidence that  
32 a person who possesses a valid fingerprint clearance card either:

33 1. Is arrested for or charged with an offense listed in section  
34 41-1758.03, subsection B.

35 2. Falsified information on the form required by subsection A of this  
36 section.

37 ~~H.~~ I. A person who makes a false statement, representation or  
38 certification in any application for certification is guilty of a class 3  
39 misdemeanor.

40 Sec. 2. Emergency

41 This act is an emergency measure that is necessary to preserve the  
42 public peace, health or safety and is operative immediately as provided by  
43 law.

APPROVED BY THE GOVERNOR APRIL 28, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2008.

Passed the House February 11, 20 08

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate April 16, 20 08

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 22, 2008,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting  
*With Emergency*

*Robert L. Goyne*  
Speaker of the House  
*Norman L. Goyne*  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22nd day of April, 2008,

at 2:40 o'clock P. M.

*Jennifer L. Herrera*  
Secretary to the Governor

Approved this 28 day of

April, 2008,

at 10<sup>25</sup> o'clock A. M.

*Jan Brewer*  
Governor of Arizona

H.B. 2566

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2008,

at 1:35 o'clock P. M.

*Janice K. Brewer*  
Secretary of State